

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DORI PRADO,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. _____
v.)	
)	
ROMAN LIPIN, SDM TRANSPORT,)	
INC. and PRIME PROPERTY &)	
CASUALTY INSURANCE)	
COMPANY, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants Roman Lipin and SDM Transport, Inc. ("SDM"), pursuant to 28 U.S.C. §§ 1441 and 1446, and file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On March 25, 2021, plaintiff filed a complaint in the Superior Court of Butts County, Georgia Civil Action No. 2021-SU-V-0114, which county is within the Macon Division of the Middle District of Georgia.

2.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. These defendants have

no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

3.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

4.

There is complete diversity among the parties.

5.

Plaintiff is a citizen of the State of Florida. (Compl., ¶1.) Defendant Roman Lipin. is a citizen of the State of Illinois. (Compl., ¶2.) Defendant Prime Property & Casualty Insurance, Inc. is a citizen of the State of Utah. (Compl., ¶4.) Defendant SDM is a citizen of the State of Illinois. (Compl., ¶3.) See 28 U.S.C. § 1441(a).

5.

Defendants make a plausible allegation that plaintiff seeks a recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 555 (2014). Specifically, plaintiff seeks general and special damages for past and future medical expenses, lost wages, pain and suffering, punitive damages, and attorney's fees and litigation expenses under O.C.G.A. § 13-6-11. (Compl. at ¶¶ 31-39; Prayer for Relief.) Further,

plaintiff's counsel will not agree to cap plaintiff's damages at \$75,000. (*See* Exhibit B.)

6.

All defendants consent to removal.

7.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Notice of Removal having been filed, said action shall proceed in the United States District Court for the Middle District of Georgia, Macon Division, and no further proceedings shall be held in said case in the Superior Court of Butts County.

STONE KALFUS LLP

/s/ Shawn N. Kalfus

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Shawn N. Kalfus

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *NOTICE OF REMOVAL* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

Jon R. Hawk, Sr. Esq.
Morgan & Morgan Atlanta, PLLC
230 Northside Crossing
Macon, GA 31210

This 19th day of April, 2021.

/s/ Shawn N. Kalfus
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